

The Honorable James L. Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN SHEDWIN,

Defendant.

NO. CR23-5099 JLR

ORDER CONTINUING COMMITMENT
AND HOSPITALIZATION

On June 12, 2023, this Court held a competency hearing and found that the defendant, Brian Shedwin, was suffering from a mental disease or defect rendering him unable to understand the nature and consequences of the proceedings against him and unable to assist properly in his defense. The Court ordered Mr. Shedwin committed to the custody of the Attorney General and hospitalized to restore his competency pursuant to 18 U.S.C. 4241(d).

On October 4, 2023, Mr. Shedwin was admitted to the Federal Medical Center Devens for competency restoration. On March 5, 2024, Dr. Miriam Kissin submitted her forensic report concluding that Mr. Shedwin's competence had not been restored and seeking involuntary medication under *Sell v. U.S.*, 539 U.S. 166 (2003). A hearing

1 pursuant to *Sell* commenced on May 29, 2024; on June 5, 2024, the evidentiary portion of
2 the *Sell* hearing concluded.

3 On June 17, 2024, Mr. Shedwin was involuntarily administered psychiatric
4 medication due to an incident at FMC Devens. A hearing under *Washington v. Harper*,
5 494 U.S. 210 (1990) was scheduled.

6 On July 3, 2024, Dr. Edward Weidow, the *Harper* hearing officer, approved the
7 ongoing use of involuntary medication to treat Mr. Shedwin, finding him to be dangerous
8 to himself or others. On July 10, 2024, the first dosage was administered. The parties
9 stipulate to Mr. Shedwin's continued lack of competency.

10 Having considered the United States' Motion to Continue Commitment and
11 Hospitalization, the facts set forth therein, as well as the record in this matter, this Court
12 finds there is a substantial probability that within an additional reasonable period of time
13 of commitment for hospitalization and treatment, Mr. Shedwin will attain the capacity to
14 permit these proceedings to go forward. 18 U.S.C. § 4241(d)(2).

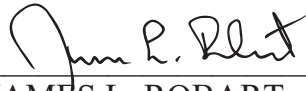
15 The Court therefore GRANTS the United States' motion and ORDERS THE
16 FOLLOWING:

- 17 (1) That Mr. Shedwin continue to be committed to the custody of the Attorney
18 General and hospitalized at the Federal Medical Center at Devens for an
19 additional 90 days to restore his competency pursuant to 18 U.S.C. § 4241(d);
20 (2) That, at the conclusion of the 90-day period, FMC Devens submit a report
21 pursuant to 18 U.S.C. §§ 4241(d) and 4247(c) indicating whether Mr.
22 Shedwin's mental condition has improved as to permit the proceedings to go
23 forward. Copies of the report shall be furnished to the Court, counsel for the
24 government, and counsel for Mr. Shedwin.

25 IT IS FURTHER ORDERED that the period between the Court's original order as
26 to the defendant's competency and when the Court finally determines the defendant's
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1 competency to stand trial shall be excluded from the period within which trial must
2 commence under 18 U.S.C. § 6151(h)(1)(A).

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4 Dated this 14th day of August, 2024.

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7 JAMES L. ROBART
8 United States District Judge
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